

**HONOURABLE SRI JUSTICE P.NAVEEN RAO
&
HONOURABLE SMT JUSTICE P.SREE SUDHA**

WRIT PETITION NO.16833 OF 2005

Date: 16.11.2021

Between:

The Principal Secretary to Government,
Home (Prisons.A) Department,
Hyderabad and two others.

..... Petitioners

and

P.Ravinder Reddy, Station Fire Officer,
Fire Station, Nalgonda, Nalgonda district.

.....Respondent

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO
&
HONOURABLE SMT JUSTICE P.SREE SUDHA

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ORDER: *(per Hon'ble Sri Justice P.Naveen Rao)*

Heard learned Government Pleader for Services-I for petitioners.

2. The State organized 'Refreshers Course Training' for Station Fire Officers specially arranged as a substitute to 'Station Fire Officers and Instructors Course' administered by the National Fire Service College, Nagpur, for a period of three months, conducted in A.P. Fire Service State Training School, Hyderabad. Respondent along with 22 others were deputed for such training. It appears, few Officers, including respondent, were absent from training. Respondent was absent from training for five days. Alleging that by his absence from classes and sessions on various days and failing to regularly attend the training course, he committed grave misconduct, disciplinary proceedings were initiated against respondent, resulting in imposing punishment of 'censure', by proceedings dated 05.05.2000, as affirmed by the Appellate and Revisional authorities on 18.02.2002 and 02.07.2002, respectively. Aggrieved thereby, respondent filed O.A.No.4340 of 2003 in Andhra Pradesh Administrative Tribunal at Hyderabad.

3. Before the Tribunal, the respondent herein urged that against Sri P.Satyanarayana also disciplinary proceedings were initiated on the same allegation, resulting in imposing punishment of 'censure'. On the application submitted to the Government, the

Government set aside the punishment awarded to P.Satyanarayana, whereas the application submitted by the respondent was rejected by the Government. It was contended that said action of the respondent-authorities is arbitrary and discriminatory, and the order of punishment is liable to be set aside on that ground alone.

4. The Tribunal considered the said plea. The Tribunal noted that against P.Satyanarayana, it was alleged that he was absented for four days and on two days he remained absent, but erased and marked as present, and for 13 sessions he has remained absent. Compared to this, respondent herein was found to be absent for five days. It is, thus, apparent that the case of the respondent is similar, if not less severe. Having noted that punishment imposed against P.Satyanarayana was set aside, the Tribunal allowed the O.A.No.4340 of 2003 on 18.11.2004.

5. There is no explanation forthcoming in the counter-affidavit filed before the Tribunal and in this Writ Petition, as to why a different treatment is extended to Mr. P.Satyanarayana and the same benefit is not conferred on the respondent. Though learned Special Government Pleader sought to contend that in matters of disciplinary proceedings and imposing punishment, there can be no comparison and in a given facts, two employees can be visited with different punishments even if delinquency alleged is same, said contention merits consideration in the normal circumstances when the disciplinary action is not based on the same foundation of facts and status and responsibilities of officers/employees involved in the disciplinary action is not same.

6. In the case on hand, both persons were in same rank, were undergoing same special training programme envisaged by the Government and against both of them, disciplinary action was initiated on the very same allegation of absenting from training. No compelling reasons are shown to treat two employees differently. When the delinquency alleged is same, we do not see any justification for the Government to accept the plea of one employee and set aside the punishment imposed by the disciplinary authority and reject the plea raised by the another employee. We, therefore, do not see any error in the decision of Tribunal warranting interference. Writ Petition is dismissed. Pending miscellaneous petitions if any shall stand closed.

JUSTICE P.NAVEEN RAO

JUSTICE P.SREE SUDHA

Date: 16.11.2021
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